



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

JAN 10 2007

Colonel David C. Weston  
District Engineer  
Galveston District  
Department of the Army, Corps of Engineers  
P.O. Box 1229  
Galveston, TX 77553-1229

Dear Colonel Weston:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality's Regulations for Implementing NEPA, the Environmental Protection Agency (EPA) Region 6 Office in Dallas, Texas, completed its review of the Draft Environmental Impact Statement (DEIS) for the project entitled Proposed Port Freeport Channel Widening, Brazoria County, Texas

We extend our thanks to you and your staff for allowing an extension of time to provide our comments on the Draft Environmental Impact Statement (DEIS) for the project entitled Proposed Port Freeport Channel Widening, Brazoria County, Texas. EPA provided written comments to your staff on an earlier draft in October 2006. Our remaining detailed comments were discussed at length during a telephone conference with your staff and contractors on December 21, 2006. During that call, staff members resolved a number of editorial and detailed technical issues. Rather than repeat all of those comments, we will take this opportunity to summarize only the most significant findings.

Our most significant discussions involved issues associated with the disposal of those dredged materials that are not destined for upland or beneficial use placement but are instead proposed for disposal at Ocean Dredged Material Disposal Sites (ODMDS), according to the provisions of the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1401, *et seq.*). There currently are two such ODMDS designated for the Freeport Channel, one of which is used for maintenance dredged material from the existing federally maintained Freeport Channel and the other was used for the disposal of the virgin material when the Corps initially constructed the 45-foot project channel.

After considering the possible options for evaluating the use of the existing ODMDS for this project, it was agreed that the Corps would prepare and include in the DEIS an appendix, which would include a thorough regulatory and environmental

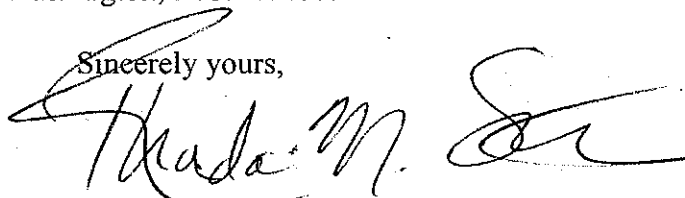
evaluation of the ocean disposal issues. We have agreed that, based on those findings contained in the DEIS Appendix C, both existing ODMDS would be suitable for continued use for disposal of new work and maintenance material from this proposed Freeport Channel widening project. The Site Management and Monitoring Plan (SMMP) for the maintenance ODMDS should be modified to reflect the proposed use of the site and an SMMP for the additional use of the new work ODMDS should be prepared. These two draft documents should be included in the Final Environmental Impact Statement (FEIS) and would then be signed by both EPA and the Corps prior to initiating the dredging for the widening project.

By presenting us with your evaluations in the DEIS and, specifically, in Appendix C, we have been requested to concur with the Corps' findings with regard to the suitability of the dredged material for disposal at the two ODMDS. After reviewing these materials and discussing the findings with your staff, we do concur with the ocean dumping criteria evaluations and we have no additional stipulations to suggest with regard to the proposed use of the existing maintenance ODMDS and the new work ODMDS for the Freeport Channel.

EPA has rated the DEIS as **LO, Lack of Objections**. Our classification will appear in the *Federal Register* according to EPA's responsibility under Section 309 of the CAA, to inform the public of our views on proposed federal actions.

If you have any NEPA questions, please contact Mike Jansky at (214) 665-7451 or e-mail him at [jansky.michael@epa.gov](mailto:jansky.michael@epa.gov) for assistance. If you have any questions relating to disposal of dredged material, please contact Barbara Keeler at (214) 665-6698 or Steve Bainter at (214) 665-8081. Please send our office five copies of the Final EIS when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20460.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Rhonda M. Smith", followed by a large, stylized flourish or initial.

Rhonda M. Smith, Chief  
Office of Planning and  
Coordination (6EN-XP)